

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB ANRAS 13-01 Trust Funds/DEP
SPONSOR(S): Agriculture & Natural Resources Appropriations Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 214

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Agriculture & Natural Resources Appropriations Subcommittee		Helping	Massengale

SUMMARY ANALYSIS

Currently, the Department of Environmental Protection has two similarly named trust funds—the Florida Forever Program Trust Fund and the Florida Forever Trust Fund. The Florida Forever Program Trust Fund is scheduled for termination on July 1, 2014, unless terminated sooner.

The bill terminates and repeals section 380.5115, Florida Statutes, relating to the Florida Forever Program Trust Fund, effective July 1, 2013; transfers all cash balances, revenues, and outstanding appropriations to the Florida Forever Trust Fund; and requires the Department of Environmental Protection to pay any outstanding debts or obligations. The bill also requires the Chief Financial Officer to close out and remove the terminated fund from the various state accounting systems.

The 1999 Legislature created the Florida Forever Program as the successor program to the Florida Preservation 2000 Program. All remaining Florida Preservation 2000 bonds will mature on July 1, 2013.

The bill amends section 259.101, Florida Statutes, authorizing the use of the Florida Forever Trust Fund as a depository of revenue from the disposition of lands originally purchased under the Florida Preservation 2000 Act.

The current remaining fixed capital outlay obligation (prior years' appropriations) in the Florida Forever Program Trust fund is \$21.6 million. Because the bill merely transfers unexpended balances, revenue sources and appropriations between trust funds, there is no fiscal impact on state and local governments or the private sector.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Florida Forever Program Trust Fund

Currently, the Department of Environmental Protection has two similarly named trust funds—the Florida Forever Program Trust Fund and the Florida Forever Trust Fund. The Florida Forever Program Trust Fund was re-created¹ in Department of Community Affairs (DCA) for use by the Florida Communities Trust for the purpose of making grants to local governments or nonprofit environmental organizations for the acquisition of community-based projects, urban open spaces, parks, and greenways to implement local government comprehensive plans,² as well as the acquisition of land and capital improvement expenditures necessary to implement the Stan Mayfield Working Waterfronts Program.³ Revenue sources include cash payments or bond proceeds.⁴

The trust fund, along with all powers, duties, functions, records, office, personnel, associated support positions, property, pending issues, existing contracts, administrative authority and rules, unexpended balances of appropriations, and allocations of the Florida Communities Trust, was transferred from the DCA to the Department of Environmental Protection (DEP) in chapter 2011-142, Laws of Florida, with the dissolution of the DCA. Future revenue, however, was re-directed to DEP's Florida Forever Trust Fund.

The Florida Forever Program Trust Fund is scheduled for termination on July 1, 2014, unless terminated sooner.

The Florida Preservation 2000 Trust Fund

In 1990, the Legislature created the Florida Preservation 2000 Program, along with the Florida Preservation 2000 Trust Fund,⁵ as a 10-year program for the purpose of acquiring lands for conservation and recreation and the provision of open space within urban areas. Revenue sources include bond proceeds and sale of surplus lands.⁶

The 1999 Legislature created the Florida Forever Program as the successor program to the Florida Preservation 2000 Program.⁷ All remaining Florida Preservation 2000 bonds will mature on July 1, 2013.

Effect of Proposed Changes

The bill terminates and repeals section 380.5115, Florida Statutes, relating to the Florida Forever Program Trust Fund, effective July 1, 2013; transfers all cash balances, revenues, and outstanding appropriations to the Florida Forever Trust Fund; and requires the Department of Environmental Protection to pay any outstanding debts or obligations. The bill also requires the Chief Financial Officer to close out and remove the terminated fund from the various state accounting systems.

Finally, the bill amends section 259.101, Florida Statutes, authorizing the use of the Florida Forever Trust Fund as a depository of revenue from the disposition of lands originally purchased under the Florida Preservation 2000 Act.

¹ Chapter 2010-18, L.O.F.

² Section 259.105(3)(c), F.S.

³ Section 259.105(3)(j), F.S.

⁴ Section 259.105(3), F.S.

⁵ Chapter 90-217, L.O.F.

⁶ Section 375.045, F.S.

⁷ Chapter 99-247, L.O.F.

B. SECTION DIRECTORY:

Section 1. Terminates the Florida Forever Program Trust Fund; transferring remaining balances, revenues, and outstanding appropriations to the Florida Forever Trust Fund.

Section 2. Repeals s. 380.5115, F.S., relating to the Florida Forever Program Trust Fund.

Section 3. Amends s. 259.101, F.S., providing for revenues from disposal of lands in the Florida Preservation 2000 program.

Section 4. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The remaining fixed capital outlay obligation (prior years' appropriations) in the Florida Forever Program Trust fund is \$21.6 million. Because the bill merely transfers unexpended balances, revenue sources and appropriations between trust funds, there is no fiscal impact on state and local governments or the private sector.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES